THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.12556 of 2006

Dated: 21.08.2006

Between:

The Depot Manager, APSRTC, Kovvur Depot, Kovvur, West Godavari District.

.... PETITIONER

AND

The Depot Secretary, APSRTC, National Mazdoor Union, Kovvur, rep. for K. Rama Rao, Driver, E.553311, Kovvur Depot, West Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.12556 of 2006

Order:

Questioning the award dated 31.03.2005 passed by the Labour Court, Guntur, in I.D. No. 170 of 2001, wherein the punishment, imposed by the petitioner-APSRTC withholding annual increment of respondent No.1-workman for a period of two years with cumulative effect, was set aside, the petitioner-APSRTC filed the present writ petition.

The main contention of the learned Standing Counsel for the petitioner-APSRTC is that in similar circumstances, this Court in number of cases, while relying on the judgment of the apex Court in "***Kulwanth Singh Gill v. State of Punjab***[1]", wherein it was held that stoppage of increments with cumulative effect is a major penalty and it cannot be imposed without conducting the departmental enquiry, modified the punishment of stoppage of annual increment with cumulative effect to that of stoppage of annual increment without cumulative effect, and the workman should not be entitled to any monetary benefits arising out of the order, but should be entitled to fixation of pay only. He, thus, prays to pass similar orders in this petition also.

Heard the learned Standing Counsel for the petitioner-APSRTC and perused the material on record.

It is an admitted fact that respondent No.1-workman was punished with deferment of annual increment for a period of two years with cumulative effect, which is a major punishment. The Labour Court, having held that before imposing punishment no regular enquiry was conducted, by order impugned in this writ petition, set aside the said punishment and restored the increments from the date of reference i.e., 20.06.2001 adjusted to 01.06.2001 and directed the petitioner-APSRTC

to pay arrears. Be that as it may, having regard to the fact that this Court, in number of cases relying on the judgment of the apex Court in ***Kulwanth Singh Gill's Case*** **(1 supra),** modified the punishment of stoppage of annual increment with cumulative effect to that of stoppage of annual increment without cumulative effect, and in view of the submission made by the learned Standing Counsel for the petitioner-APSRTC,

I deem it appropriate to dispose of the writ petition by modifying the award of the Labour Court as follows:

The order passed by the petitioner-Corporation, imposing punishment of stoppage of annual increment for a period of two years with cumulative effect, is modified to that of stoppage of annual increment without cumulative effect. The respondent No.1-workman shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 21.08.2006
Nsr/Ksr

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1 1991 Supp (1) SCC 504